IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.3503 of 2007
Date of Decision: 8.3.2007

Rajbeer Singh

Petitioner

versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri Jagjeet Beniwal, Advocate for the petitioner

Jasbir Singh, J. (Oral)

Petitioner is a driver. He filed an application under Section 33C(2) of the Industrial Disputes Act, 1947, claiming wages for the overtime work done by him. His application was dismissed by the Industrial Tribunal-cum-Labour Court, Rohtak, by observing thus:-

> *"On this issue it is admitted by the A.R. for the applicant that the applicant has no pre existing right in his favour and he is claiming the dues of over time through this application. It is held by the Apex Court that application under Section 33C(2) does not lie regarding to right which is not pre existing in favour of the applicant. Since the applicant has no pre existing right in his favour and he cannot claim the over time by filing the present application u/s 33-C(2) of the Industrial Dispute Act, 1947. Therefore, I decide this issue against the applicant and in favour of the Mgt."*

We feel that the order passed is perfectly justified. The Court below has dismissed his application on the ground that the petitioner has no pre-existing right in his favour. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 08, 2007 **(Nirmal Yadav)**
gk **Judge**